

January 7, 1999

M-99-05

MEMORANDUM FOR HEADS OF DEPARTMENTS AND AGENCIES

FROM: Jacob J. Lew /s/

SUBJECT: Instructions on complying with President's Memorandum of May 14, 1998, "Privacy and Personal Information in Federal Records"

This memorandum provides instructions to agencies on how to comply with the President's Memorandum of May 14, 1998 on "Privacy and Personal Information in Federal Records." In his Memorandum, the President directed Federal agencies to review their current information practices and ensure that they are being conducted in accordance with privacy law and policy. The President also directed OMB to issue instructions to the agencies on how to conduct this review.

Attached is a copy of the President's Memorandum, along with the instructions for conducting the review and for reporting to OMB on the results. Under the President's Memorandum, agencies are to complete their reviews and report to OMB by May 14, 1999.

Ensuring that the Federal government protects the privacy of personal information is a priority of this Administration. As stated by the President, privacy is a cherished American value. To preserve and promote this value, the United States created a statutory framework in 1974 governing how the Federal government collects, maintains, uses and disseminates information about certain individuals which is embodied in the Privacy Act, 5 U.S.C. ' 552a, as amended. Earlier in this Administration in June 1995, the Information Infrastructure Task Force issued *Principles for Providing and Using Personal Information* as a statement of this Administration's policy on privacy.

The current review is an important part of the Administration's privacy agenda. We look forward to working with your agencies during this review.

May 14, 1998

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS

AND AGENCIES

THE WHITE HOUSE

Office of the Press Secretary

(Eisenach, Germany)

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For Immediate Release May 14, 1998

May 14, 1998

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Privacy and Personal Information in

Federal Records

Privacy is a cherished American value, closely linked to our concepts of personal freedom and well-being. At the same time, fundamental principles such as those underlying the First Amendment, perhaps the most important hallmark of American democracy, protect the free flow of information in our society. The Federal Government requires appropriate information about its citizens to carry out its diverse missions mandated by the Constitution and laws of the United States. Long mindful of the potential for misuse of Federal records on individuals, the United States has adopted a comprehensive approach to limiting the Government's collection, use, and disclosure of personal information. Protections afforded such information include the Privacy Act of 1974, the Computer Matching and Privacy Protection Act of 1988, the Paperwork Reduction Act of 1995, and the Principles for Providing and Using Personal Information ("Privacy Principles"), published by the Information Infrastructure Task Force on June 6, 1995, and available from the Department of Commerce. Increased computerization of Federal records permits this information to be used and analyzed in ways that could diminish individual privacy in the absence of additional safeguards. As development and implementation of new information technologies create new possibilities for the management of personal information, it is appropriate to reexamine the Federal Government's role in promoting the interests of a democratic society in personal privacy and the free flow of information. Accordingly, I hereby direct the heads of executive departments and agencies ("agencies") as follows:

It shall be the policy of the executive branch that agencies shall:

- (a) assure that their use of new information technologies sustain, and do not erode, the protections provided in all statutes relating to agency use, collection, and disclosure of personal information;
- (b) assure that personal information contained in Privacy Act systems of records be handled in full compliance with fair information practices as set out in the Privacy Act of 1974;
- (c) evaluate legislative proposals involving collection, use, and disclosure of personal information by the Federal Government for consistency with the Privacy Act of 1974; and
- (d) evaluate legislative proposals involving the collection, use, and disclosure of personal information by any entity, public or private, for consistency with the Privacy Principles.

To carry out this memorandum, agency heads shall:

- (a) within 30 days of the date of this memorandum, designate a senior official within the agency to assume primary responsibility for privacy policy;
- (b) within 1 year of the date of this memorandum, conduct a thorough review of their Privacy Act systems of records in accordance with instructions to be issued by the Office of Management and Budget ("OMB").

Agencies should, in particular:

(1) review systems of records notices for accuracy and completeness, paying special attention to changes in technology, function, and organization that may have made the notices out of date, and review routine use disclosures under 5 U.S.C. 552a(b)(3) to ensure they continue to be necessary and compatible with the purpose for which the information was collected;

(2) identify any systems of records that may not have been described in a published notice, paying special attention to Internet and other electronic communications activities that may involve the collection, use, or disclosure of personal information;

(c) where appropriate, promptly publish notice in the Federal Register to add or amend any systems of records, in accordance with the procedures in OMB Circular A-130, Appendix I;

(d) conduct a review of agency practices regarding collection or disclosure of personal information in systems of records between the agency and State, local, and tribal governments in accordance with instructions to be issued by OMB; and

(e) within 1 year of the date of this memorandum, report to the OMB on the results of the foregoing reviews in accordance with instructions to be issued by OMB.

The Director of the OMB shall:

- a. issue instructions to heads of agencies on conducting and reporting on the systems of record reviews required by this memorandum;
- b. after considering the agency reports required by this memorandum, issue a summary of the results of the agency reports; and
- c. issue guidance on agency disclosure of personal information via the routine use exception to the Privacy Act (5 U.S.C. 552a(b)(3)), including sharing of data by agencies with State, local, and tribal governments.

This memorandum is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON

## **Attachment B**

### **INSTRUCTIONS FOR COMPLYING WITH THE PRESIDENT'S MEMORANDUM OF MAY 14, 1998, "Privacy and Personal Information in Federal Records"**

#### **A. WHAT IS THE PURPOSE OF THE REVIEW?**

The Privacy Act of 1974 (5 U.S.C. ' 552a, the Act) requires agencies to inform the public of the existence of systems of records containing personal information, to give individuals access to records

about themselves in a system of records, and to manage those records in a way to ensure fairness to individuals in agency programs.

For the Privacy Act to work effectively, it is imperative that each agency properly maintain its systems of records and ensure that the public is adequately informed about the systems of records the agency maintains and the uses that are being made of the records in those systems. Therefore, agencies must periodically review their systems of records and the published notices that describe them to ensure that they are accurate and complete. OMB Circular A-130, "Management of Federal Information Resources," (61 Fed. Reg. 6428, Feb. 20, 1996) requires agencies to conduct periodic reviews, and this memorandum satisfies that requirement for calendar year FY 1999. Agencies should continue to conduct reviews in accordance with the schedule in Appendix I of the Circular.

In addition to directing agencies to ensure the accuracy and completeness of their systems of records, the President also directed agencies to review their data sharing practices with state, local and tribal governments.

## **B. WHAT ACTIONS MUST AGENCIES TAKE?**

In order to carry out the President's directive, agencies will carry out six specific tasks. They should immediately designate a Senior Official for Privacy Policy if they have not already done so. They will review their systems of records, ensure that the notices published in the *Federal Register* describing those systems of records are up-to-date, and publish a notice for any system of records previously overlooked. They will also review information sharing practices with State, local, and tribal governments, and, finally, report to OMB the results of these reviews. More detailed instructions for each of these tasks follow.

### **1. Designate a Senior Official for Privacy Policy.**

Each agency head should have already designated a senior official within the agency to assume primary responsibility for privacy policy, in accordance with the President's Memorandum. This individual will not necessarily be the same person who is responsible for implementation of the Privacy Act. For most Cabinet agencies, the appropriate official would probably be a policy official at the Assistant Secretary level, or equivalent, who in a position within the agency to consider privacy policy issues on a national level.

Please notify OMB promptly of the name, title, address, phone number, and electronic mail address of the designated Senior Official for your agency.

### **2. Review and Improve the Management of Privacy Act Systems of Records.**

Each agency shall conduct a thorough review of its systems of records, system of records notices, and routine uses in accordance with the criteria and guidance below. Because the President directed agencies to review systems of records, we have provided guidance on a subset of the Privacy Act's requirements that are particularly relevant to systems of records.

The goal is to focus agency resources on the most probable areas of out-of-date information, so that reviews will have the maximum impact in ensuring that system of records notices remain accurate and complete. An agency may rely on its ongoing reviews under Circular A-130 to help focus its review. An agency might decide to pay particular attention to identifying those systems of records that may have

been altered by the application of new technology, changes in function, or changes in organizational structure that have occurred since the agency's last review of its systems of records. In addition, an agency may find the President's directive provides an opportunity to strengthen agency procedures to ensure reviews are timely conducted.

**a. Information maintained about individuals must be relevant and necessary.**

An important way for an agency to protect individual privacy is to limit the amount of information that the agency maintains about individuals. Therefore, each agency shall review its systems of records to ensure that they contain only that information about individuals that is "relevant and necessary" to accomplish an agency purpose.

The Privacy Act limits agencies to maintaining "only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or Executive order of the President." 5 U.S.C. ' 552a(e)(1). Information that was relevant and necessary when a system of records was first established may, over time, cease to be relevant or necessary. This may result, for example, from a change in agency function or reorganization, or from a change in how the agency operates a program.

If your agency determines that any information about individuals in a system of records is no longer relevant and necessary, or if your agency determines that the entire system of records itself is no longer relevant and necessary, then the agency should expunge the records (or system of records) in accordance with the procedures outlined in the Privacy Act notice(s) and the prescribed record retention schedule approved by the National Archives and Records Administration. The system notice should be accordingly revised (or rescinded).

**b. Privacy Act records must be protected by appropriate safeguards.**

For that information which agencies do maintain, agencies must ensure the information's security and confidentiality. Therefore, each agency shall review its systems of records to ensure that the safeguards in place are appropriate to the types of records and the level of security required.

The Privacy Act requires agencies to "establish appropriate administrative, technical and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is maintained." 5 U.S.C. ' 552a(e)(10). In addition, the Paperwork Reduction Act requires agencies to "implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency" and "identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency." 44 U.S.C. ' 3506(g).

Over time, and given changes in how records are used and maintained, safeguards that may have been appropriate in the past may no longer be sufficient, or they may no longer be necessary. For example, safeguards that were appropriate for a system of records maintained in paper form may no longer be appropriate when the system of records has been converted to electronic form.

If your agency determines that changes to the safeguards should be made, then the agency should implement the changes and publish a system of records notice that reflects the updated safeguards. Note

that the system of records notice should not state that access is limited to those who need the information in the course of their duties. Rather, the notice should explain how access is limited by describing the types of safeguards in place, such as locks, building access controls, passwords, network authentication, etc.

**c. Routine uses must meet the "compatibility" standard.**

Non-statutory disclosures created by administrative mechanisms should only be made when appropriate. Therefore, each agency shall review its "routine uses" to identify any routine uses that are no longer justified, or which are no longer compatible with the purpose for which the information was collected.

The Privacy Act authorizes agencies to disclose information about individuals under a "routine use." A routine use is defined as a disclosure of a record outside of the agency "for a purpose which is compatible with the purpose for which it was collected." 5 U.S.C. ' 552a(a)(7), (b)(3). The Act requires agencies to include in their systems of records notices a description of the routine uses for which information in a system of records may be disclosed. 5 U.S.C. ' 552a(e)(4)(D).

It may be the case that the circumstances which justified a routine-use disclosure have ceased to exist, or that the purpose for which the records are collected has changed over time so that the routine use no longer makes sense. Agencies should consult the *Privacy Act Overview* published by the Department of Justice each November (and available through the Government Printing Office) for judicial rulings which may affect the agency's routine uses. Such changes may well mean that the routine use is no longer justified or that the routine use is no longer compatible with the purpose for which the information is being collected. Agencies should review each routine use to ensure that each continues to be appropriate. In addition, agencies should review the associated system of records notices to ensure that it accurately and completely describes the routine uses, including the categories of users and the purpose of such use.

If an agency determines that a routine use is no longer appropriate, the agency should discontinue the routine-use disclosures and delete the routine use from the system of records notice. If an agency determines that the system of records notice does not accurately and completely describe the routine uses, the agency should revise the notice accordingly.

**d. Agencies must keep an accounting of disclosures and make it available.**

In order to ensure fairness to individuals they must be able to determine who has seen their records and when they were seen. Therefore, each agency should review its procedures for accounting for disclosures to ensure they are working properly.

The Privacy Act requires agencies to "keep an accurate accounting" regarding "each disclosure of a record to any person or to another agency, "and to retain the accounting for at least five years or the life of the record, whichever is longer." 5 U.S.C. ' 552a(c). As in the other contexts discussed above, "changes in technology, function, and organization" may result in accounting procedures becoming outdated or may result in inadequate implementation of accounting procedures that remain appropriate. An agency is relieved by the statute of accounting for disclosures made within the agency on a need-to-know basis or disclosure required by the Freedom of Information Act. 5 U.S.C. ' 552a(c)(1). However, all other disclosures under 5 U.S.C. ' 552a(b) must be accounted for, including those made under routine uses, and those made pursuant to requests from law enforcement agencies (even though the latter may be exempt from disclosures to the subject individual). While an agency need not keep a

running tabulation of every disclosure at the time it is made, the agency must be able to reconstruct an accurate and complete accounting of disclosures so as to be able to respond to requests in a timely fashion.

If an agency determines that changes to the accounting procedures should be made, then the agency should implement the changes promptly.

**e. Systems of records should not be inappropriately combined.**

Groups of records which have different purposes, routine uses, or security requirements, or which are regularly accessed by different members of the agency staff, should be maintained and managed as separate systems of records to avoid lapses in security. Therefore, agencies shall ensure that their systems of records do not inappropriately combine groups of records which should be segregated. This ensures, for example, that routine uses which are appropriate for certain groups of records do not also apply to other groups of records simply because they have been placed together in a common system of records.

Over time, changes in agency operations or functions may result in increased differences among the records that are contained within a common system of records. Groups of records that once were appropriately combined into a common system may have become sufficiently different that they should be divided into separate systems. Accordingly, during the course of the agency's review of its systems of records under **B.2.** of these instructions, and of its systems notices under **B.3.** of these instructions, an agency should identify instances where a system of records includes groups of records which **C** because of their different purposes, routine uses, or security requirements **C** should not be combined together into a common system of records, but instead should be maintained and managed as separate systems of records.

In addition, agency systems of records should not duplicate or be combined with those systems which have been designated as "government wide systems of records." A government wide system of records is one for which one agency has regulatory authority over records in the custody of many different agencies. Usually these are federal personnel or administrative records. Such government-wide systems ensure that privacy practices with respect to those records are carried out in accordance with the responsible agency's regulations uniformly across the federal government. For example, a civilian agency subject to the personnel rules of the Office of Personnel Management should manage its official personnel folders in accordance with the government wide notice published by OPM for those records, OPM/GOVT-1. The custodial agency need not, and should not, publish a system of records which covers the same records. A list of government-wide systems of records may be found at Attachment C, along with the name of someone who can answer specific questions about those systems of records.

**3. Ensure notices describing systems of records are up-to-date, accurate and complete.**

In order to exercise their rights, individuals must have access to an up-to-date statement of what types of information are maintained and for what reasons. Therefore, each agency shall conduct a review of its systems of records notices to ensure that they are up-to-date, to conform with any necessary changes identified during the review under section **B.2.** of these instructions.

The Privacy Act requires agencies to publish, upon the establishment of a system of records, a notice that describes the system. 5 U.S.C. ' 552a(e)(4). The core purpose of a system of records notice is to inform the public what types of records the agency maintains, who the records are about, and what uses are made of them. As the President noted in his Memorandum, however, "changes in technology,

function, and organization" may have the effect of making system of records notices "out of date."

A systems of records notice should accurately and completely describe each category in the notice to comply with the requirements of 5 U.S.C. ' 552a(e)(4) and the *Federal Register Document Drafting Handbook*. (The *Handbook* can be found at the web page of National Archives and Records Administration (NARA), at

<http://www.nara.gov/fedreg/draftres.html>

or by contacting the Office of the Federal Register.) The goal is to provide a notice helpful to someone who might be a subject of the records. The reviewer should ask, "If this system of records contained information about my friends or relatives, would this notice allow them to understand what type of records are kept, who uses them, and why?"

Agencies should take note that the descriptive categories for systems of records notices have changed over time. For example, the *Drafting Handbook* now requires that each system of records include a Purpose statement. This statement should briefly explain the program purpose for which the records are collected and which the system of records supports.

While a notice-by-notice review may be appropriate, an agency may also decide to concentrate its review by focusing on those notices that are more likely to contain outdated information. An agency using this targeted approach, for example, could begin its review by identifying changes in technology, function, and organization C that is, changes in how the agency operates C that would have the potential to make a system of records notice out-of-date. Based on this analysis, the agency would then identify those systems of records that would most likely have been affected by these changes in agency operations. Under this approach, an agency should focus its review on those notices that apply to systems of records that have been automated; that are operated by an office (or for a program) that has been assigned increased (or decreased) responsibilities; or that have been involved in an agency reorganization. This is not meant to be an exhaustive list; an agency should seek to identify other ways in which changing agency operations may have affected the accuracy and completeness of its systems of records notices.

#### **4. Identify any Unpublished Systems of Records .**

In passing the Privacy Act, the Congress made a strong policy statement that in order to ensure fairness, there shall be no record keeping systems the very existence of which is secret. Therefore, each agency shall review its operations to identify any *de facto* systems of records for which no system of records notice has been published.

If the agency identifies any such unpublished systems of records, then the agency should publish a system of records notice for the system promptly. Agencies shall implement appropriate measures (e.g., training) to ensure that system of records are not inadvertently established, but instead are established in accordance with the notice and other requirements of the Privacy Act.

#### **5. Review Information Sharing Practices with State, Local and Tribal Governments.**

In accordance with the President's May 14, 1998, directive and the Vice President's announcement on July 31 that the Administration intends to open a dialogue with the States about information sharing, each agency shall review their practices of sharing personal information with State, local and tribal governments. This review should include a review of the agency's systems of records, computer



matching programs, and routine uses which provide for intergovernmental collection or disclosure of information. Agencies should not survey the States to collect information, but should use internal sources of information to conduct the review.

Agencies should pay particular attention to the types of information that is being shared; the purpose(s) for which the information is shared; the frequency with which it is shared; and the rules (if any) regarding the retention, re-disclosure, and destruction of Federally-supplied information by the State, local or tribal governments. In conducting this review, agencies shall evaluate whether each collection or disclosure continues to be appropriate and consider whether adequate confidentiality and security safeguards apply. In this regard, "changes in technology, function, and organization" (whether at the Federal level or at the State, local or tribal level) may render outdated the sharing of certain types of information (or the frequency of sharing), or may result in applicable safeguards being inadequate (or inadequately implemented).

Based on these reviews, agencies should identify any potential changes to information sharing practices that deserve further review. Agencies should address, including through discussions with their governmental counterparts, whether and how such potential changes should be made.

## **6. Report to OMB.**

After completing the review outlined above, each agency should summarize its findings in a report to OMB, as described below.

### **a. What should the report contain?**

Each agency's report should include the following:

- a. A certification by the agency's Chief Information Officer and the agency's Senior Official for Privacy Policy designated under section **B.1.** of these instructions, that the review was conducted.
- b. A summary of the actions taken as a result of the review, including citations to the Federal Register notices of any issuances of, or revisions to, systems of records notices.
- c. A summary of future actions that the agency plans to take as a result of the review to assure sound privacy practices across the agency, and a schedule of when those actions will be completed.
- d. A summary of the agency's review of its routine uses, including, in particular, the extent to which the agency found that its routine uses remain justified and compatible with the purpose for which the information was collected.
- e. A description of the agency's major information sharing practices with State, local and tribal governments, including in particular whether the review identified potential changes to sharing practices that will undergo further review (and if so, a description of such potential changes).
- f. Any subjects on which the agency would like further OMB guidance on the Privacy Act, and any recommendations regarding such guidance.

### **b. When is the deadline for reporting?**

With the exception of the designation of the Senior Official for Privacy Policy in **B.1.**, which should be made immediately, the report in **B.6.** should be made to OMB by May 14, 1999.

**c. To whom should the report be addressed?**

Director  
Office of Management and Budget  
Attention: Docket Library  
Room 10201 NEOB  
725 17th Street, NW  
Washington, DC 20503

**D. WHO CAN ANSWER QUESTIONS ABOUT THIS MEMORANDUM?**

For more information regarding these instructions, contact:

Maya A. Bernstein	
Senior Policy Analyst	202/395-3785 (voice)
Information Policy and Technology Branch	202/395-5167 (facsimile)
Office of Information and Regulatory Affairs	
725 17th Street, NW	<a href="mailto:maya.bernstein@omb.eop.gov">maya.bernstein@omb.eop.gov</a>
Washington, DC 20503	

**Attachment C**

**GOVERNMENTWIDE SYSTEMS OF RECORDS**

This index is provided as a finding aid to federal agencies. Agencies which have custody of records described in this list should ensure that the appropriate offices have copies of the systems of records. The systems of records notices are compiled biennially by the Office of the Federal Register and are available online at:

<http://www.access.gpo.gov/nara/index.html>

Questions about the particular systems of records should be directed to the individual whose name appears for each agency.

Equal Employment Opportunity Commission

For more information contact Thomas J. Schlageter or Kathleen Oram, Office of Legal Counsel, 202/663-4669.

**EEOC/GOVT-1      EEOC Records and Appeal Records**

59 Fed. Reg. 11068      March 9, 1994

Records on applicants for Federal employment and current and former Federal employees who file complaints of discrimination or reprisal, or who file appeals with EEOC from agency decisions, petitions for review of decisions of the MSPB, or requests for review of final decisions in negotiated grievance actions.

Federal Emergency Management Agency

For more information contact Sandra Jackson at 202/646-3840.

**FEMA/GOVT-1      National Defense Executive Reserve System**

55 Fed. Reg. 37191      September 7, 1990

Applicants for and incumbents of NDER assignments, including FEMA Form 85-3, NDER Qualifications Statement, which is used to determine membership for units of the NDER in Federal departments and agencies in accordance with Executive Order No. 11179 as amended by Executive Order No. 12146.

General Services Administration

For more information contact Helen Maus, Office of General Counsel, at 202/501-1460, or Mary Cunningham at 202/501-3415.

**GSA/GOVT-2 Employment Under Commercial Activities Contracts**

48 Fed. Reg. 6176      February 10, 1983

Records on former Federal employees involuntarily separated from government employment as a result of a commercial activity contract. The system is used to provide government agencies with necessary information on former Federal employees hired by contractors to ensure the proper distributions of severance pay by the government.

**GSA/GOVT-3 Travel Charge Card Program**

48 Fed. Reg. 44856      September 29, 1983

Records of current Federal employees who use government assigned charge cards while in travel status. It is used to provide government agencies with (1) necessary information on the commercial travel and transportation payment and expense control system which will provide travelers charge cards for official travel and related travel expenses on a worldwide basis; (2) attendant operational and control support; and (3) management information reports for expense control purposes.

**GSA/GOVT-4 Contracted Travel Service Program**

50 Fed. Reg. 20294      May 15, 1985 (amended 50 Fed. Reg. 28988, July 17, 1985).

Records on individuals who are current Federal employees on travel and individuals being provided travel by the government. It is used to enable travel agents who are under contract to the Federal government to issue and account for travel provided to individuals.

For more information contact Helen Maus, Office of General Counsel, at 202/501-1460

Department of Labor

For more information contact Miriam Miller, Office of the Solicitor, 202/219-8188

**DOL/GOVT-1      Federal Employees' Compensation Act File**

58 Fed. Reg. 49556      September 23, 1993

Records on FECA benefit recipients. These are Federal employees injured in the performance of duty, or beneficiaries of employees killed in the performance of duty. Includes information and verification about covered employees= work related injuries, entitlement to medical treatment and vocational rehabilitation; entitlement to and computation of continuation of pay, compensation, survivors= benefits under FECA and certain other statutes.

**DOL/GOVT-2      Jobs Corps Student Records**

58 Fed. Reg. 49558      September 23, 1993

Information on Employment Training Administration Job Corps students and former students.

Merit Systems Protection Board

For more information contact Michael Hoxie, Office of the Clerk, 202/653-7124

**MSPB/GOVT-1      Appeal and Case Records**

61 Fed Reg 33948      July 1, 1996

Records on (a) current and former Federal employees, applicants for employment, annuitants, and other individuals who have filed appeals with MSPB, or with respect to whom a Federal agency has petitioned MSPB concerning any matter over which the Board has jurisdiction; and (b) current and former employees of State and local governments who have been investigated by the Special Counsel and have had a hearing before MSPB concerning possible violation of the Hatch Act.

Office of Government Ethics

For more information contact Bill Gressman at 208-8000 x1110.

**OGE/GOVT-1      Executive Branch Public Financial Disclosure Reports and Other Ethics Program Records**

55 Fed. Reg. 6328      February 22, 1990

Records on the President, the Vice President, candidates for those offices, Administrative Law Judges, members of uniformed services at pay grade O-7 or above, the Postmaster General and Deputy Postmaster General, designated agency ethics officials, appointed civilians to the Executive Office of the President, nominees for positions requiring Senate confirmation, and many government officials in the Senior Executive Service, other positions above GS-15, and Schedule C appointees. The system includes records on both former and current employees, and may include records on any employee of the executive branch if required for the administration of the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989, as amended, regarding the filing of financial status reports, reports concerning certain agreements between the covered individual and any prior private sector employer, ethics agreements, and the preservation of waivers issued to an officer or employee pursuant to section 18 U.S.C. ' 208, certificates of divestiture issued pursuant to section 502 of the Ethics Reform Act, and government ethics advice and other ethics program matters.

**OGE/GOVT-2      Confidential Statements of Employment and Financial Interests**

55 Fed. Reg 6330      February 22, 1990

Records of former or current employees required by their agency to file such statements in order to meet requirements of Executive Order Nos. 12674 (as modified by 12731), 12565 and 11222; OGE regulations and section 107 of the Ethics in Government Act of 1978 concerning the filing of employment and financial interest statements, which are reviewed for conflict of interest purposes.

Office of Personnel Management

For more information contact John Sanet at 202/606-1955.

**OPM/GOVT-1            General Personnel Records**

61 Fed. Reg. 36919    July 15, 1996

Records on current and former Federal employees as defined in 5 U.S.C. ' 2105, including OPM's Central Personnel Data File and related agency personnel management information systems. The Official Personnel Folders and other general personnel records files are the official repository of the records, reports of personnel actions, and the documents and papers required in connection with actions effected during an employee's Federal service.

**OPM/GOVT-2            Employee Performance File System Records**

61 Fed. Reg. 36924    July 15, 1996

Records on current or former Federal employees, including appointees to the Senior Executive Service maintained on an employee's performance.

**OPM/GOVT-3            Adverse Actions and Actions Based on Unacceptable Performance**

61 Fed. Reg. 36927    July 15, 1996

Records on current or former Federal employees, including Senior Executive Service employees, against whom such an action has been proposed or taken in accordance with 5 C.F.R. ' 432, 732, 752, or 754.

**OPM/GOVT-4            [Reserved]**

**OPM/GOVT-5            Recruiting, Examining, and Placement Records**

61 Fed. Reg. 36929    July 15, 1996

Records on (a) persons who have applied to OPM or agencies for Federal employment, and current and former Federal employees submitting applications for other positions in the Federal Service; and (b) applicants for Federal employment believed or found to be unsuitable for employment on medical grounds.

**OPM/GOVT-6            Personnel Research and Test Validation Records**

61 Fed. Reg. 36932    July 15, 1996

Records on current and former Federal employees, applicants for Federal employment, current and former State and local government employees, and applicants for State and local government employment, selected private sector employees and applicants for sample comparison groups used by OPM or other Federal agencies for the construction, analysis, and validation of written tests, and for

research on and evaluation of personnel or organizational management and staffing methods, including workforce effectiveness studies.

**OPM GOVT-7      Applicant Race, Sex, National Origin and Disability Status Records**

61 Fed. Reg. 36933      July 15, 1996

Records on current and former Federal employees and individuals who have applied for Federal employment used by OPM and agencies to evaluate personnel/organizational measurement and selection records, implement and evaluate Federal Equal Opportunity Recruitment and affirmative action programs, prepare reports regarding breakdowns by race, sex, and national origin of applicants, and to locate individuals for personnel research.

**OPM/GOVT-8      [Reserved]**

**OPM/GOVT-9      Position Classification Appeals, Job Grading Appeals, and Retained Grade or Pay Appeals**

61 Fed. Reg. 36935      July 15, 1996

Records on current and former Federal employees who have either: (a) filed a position classification appeal or a job grading appeal with OPM's Agency Compliance and Evaluation, an OPM regional office, or with their agencies; or (b) filed a retained grade or pay appeal with OPM's Agency Compliance and Evaluation or an OPM regional office, used to document the processing and adjudication of the appeal.

**OPM/GOVT-10      Employee Medical File System Records**

61 Fed. Reg. 36937      July 15, 1996

Records on current and former civilian Federal employees maintained to ensure proper medical evaluation, diagnosis, history, treatment, and continuity of care; documentation of hazard exposures, treatment, medically-related employment decisions, and communications among health care providers, including planning of further care, evaluation of the quality of health care rendered, and to ensure proper operation of an agency's drug testing program.